

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	CR. NO. 2:05-cr-205-LSC
)	
JOSEPH D. ARMSTRONG)	
)	

RULE 35(b) MOTION FOR REDUCTION IN SENTENCE

Comes now the United States of America, by and through Leura G. Canary, United States Attorney for the Middle District of Alabama, pursuant to Rule 35(b), *Federal Rules of Criminal Procedure*, and respectfully requests that the sentence imposed on Defendant Joseph D. Armstrong be reduced.

On July 6, 2006, the Defendant was sentenced pursuant to a written plea agreement to a term of fifty-one (51) months.¹ The Defendant's adjusted offense level was determined to be 24, criminal history I. (51-63 months). Said plea agreement provided that the United States would file a Rule 35 Motion requesting that the Court reduce the Defendant's sentence to reflect additional cooperation on the part of the Defendant.

The United States respectfully submits to the Court that the Defendant has now further cooperated consistent with the terms of the plea agreement. This request for sentence reduction is based on substantial assistance provided by the Defendant in United States v. Cox, Cr. No. 3:07-cr-106. Accordingly, the United States respectfully requests that the Defendant's adjusted offense level of 24 be reduced by an additional one (1) level. Should the Court grant the Government's Motion,

¹ Attached hereto as Exhibit A.

the Defendant's adjusted base level will be 23, criminal history I. (46-57 months). The Government respectfully recommends to the Court that the Defendant be sentenced to 46 months.

Respectfully submitted this the 22 day of June, 2007.

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UNITED STATES ATTORNEY

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CERTIFICATE OF SERVICE

I hereby certify that on June 22nd, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

John M. Poti, Esquire.

Respectfully submitted,

/s/Christa D. Deegan
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